

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Joseph Carnell Ballard**

**Docket No. 5:06-CR-32-4BO**

**Petition for Action on Supervised Release**

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph Carnell Ballard, who, upon an earlier plea of guilty to Bank Robbery and Aiding and Abetting; 18 U.S.C. §§ 2113(a) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 11, 2006, to the custody of the Bureau of Prisons for a term of 46 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall make restitution, jointly and severally, to First Citizens Bank, 100 E. Tryon Road, Raleigh, NC, in the amount of \$1,306.

Joseph Carnell Ballard was released from custody on July 1, 2009, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

A random urine specimen obtained from Ballard on February 17, 2011, tested positive for cocaine and marijuana and Ballard admitted same. The offender was immediately referred for an updated substance abuse assessment and participation in recommended treatment, including the surprise urinalysis program. Based on Ballard's satisfactory compliance with treatment and considering his serious medical problems, it is recommended the offender be sanctioned with 7 days of home incarceration.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home incarceration program for a period not to exceed 7 consecutive days. The defendant shall be restricted to his residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson  
Dennis E. Albertson  
Senior U.S. Probation Officer  
413 Middle Street, Room 304  
New Bern, NC 28560-4930  
Phone: (252) 638-4944  
Executed On: April 11, 2011

**ORDER OF COURT**

Considered and ordered this 12 day of April, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge